

IN THE UNITED STATES DISTRICT COURT OF THE
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

EDWARD HAYES & SHANTELL HAYES

PLAINTIFFS

VS.

CAUSE NO.: 5:24-cv-46-DCB-ASH

DEER VALLEY HOMEBUILDERS, McCOMB HOME
CENTER, REGIONAL ENTERPRISES, LLC
JOHN DOES (1-100)

DEFENDANTS

ORDER

Pursuant to Federal Rule of Civil Procedure 4(m), the Court takes note, sua sponte, that the docket sheet in this matter shows no proof of service on Defendant Deer Valley Homebuilders, Inc. ("Deer Valley"). The Court further notes that no appearance has been made by Deer Valley. Federal Rule of Civil Procedure 4(m) provides:

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court-- on motion or on its own after notice to the plaintiff-- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).

Fed. R. Civ. P. 4(m).

Plaintiffs filed their complaint in this matter on May 11, 2024. [ECF No. 1]. More than 90 days have elapsed since the complaint was filed. Therefore, this matter will be dismissed

without prejudice as to Deer Valley under Rule 4(m), unless Plaintiffs: (1) serve Deer Valley within ten (10) days of the date of this Order, or (2) show the Court good cause for their failure to do so prior to the expiration of such ten-day deadline. If Plaintiffs succeed in showing good cause, the Court will extend the time for service for an appropriate period, as determined by the Court. Accordingly,

IT IS HEREBY ORDERED that, under Federal Rule of Civil Procedure 4(m), this matter will be dismissed without prejudice as to Defendant Deer Valley Homebuilders, Inc., unless Plaintiffs: (1) serve said defendant within 10 days of the date of this Order, or (2) show the Court good cause for their failure to do so prior to the expiration of such 10-day deadline. Upon a showing of good cause, satisfactory to the Court, the time for service will be extended for an appropriate time, as determined by the Court.

SO ORDERED, this the 16th day of October 2024.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE